



Development Services Department
City of Frisco, Texas

Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

Cc: George A. Purefoy, City Manager
John Lettelleir, AICP, Director of Development Services

From: Michael Walker, AICP, Senior Planner

Date: 12/21/2010

Agenda Caption: Public Hearing: Zoning Case ZA10-0001, A request to amend Article III, Section 3, Subsection 5.05 – General Requirements of the Tollway Overlay District regarding requirements for gas pumps and consider and act to direct staff to prepare an Ordinance of the same. Tabled 11/16/10

Action Requested: Hold the public hearing and direct staff in the preparation of an Ordinance. This item needs to be removed from the table.

Background Information: The City Council held a public hearing on November 16, 2010 to consider an amendment to the Tollway Overlay District to allow additional gas stations along the Dallas Parkway. Currently the ordinance restricts this use to two (2) per intersection. The purpose of the amendment is to allow four (4) gas stations where major thoroughfares intersect the Tollway. Some Councilmembers expressed concern of allowing the number of gas stations to increase beyond the total permitted today. After discussing the request, the City Council tabled action until January 4, 2011 to allow staff to identify other alternatives.

The following options are presented for Council's consideration

- **Option 1 – Retain current standards/no change.** Exhibit A illustrates the impact if no changes were made to the current standards. Please note that while the map may depict all four corners with the “yellow” designation, only two of the four corners would permit a gas station. Staff did not want to arbitrarily designate which two (2) of the four (4) corners would be eligible for

the use. Currently there are five (5) gas stations along the Tollway; all were developed in conjunction with a convenience store or restaurant. The current ordinance permits a maximum of 12 additional gas stations for a total of 17 potential sites along the Tollway.

- **Option 2 – Current Proposal.** If the ordinance is amended as submitted, 19 additional sites would be eligible for gas stations. Therefore, a total of 24 sites along the Tollway could accommodate the use as depicted in Exhibit B.
- **Option 3 – Specific Use Permits for Additional Sites.** Specific Use Permits (SUPs) could be used to grant approval for the third or fourth gas station at an intersection. The impact of this action would allow the first two gas stations by right if the minimum development standards are met. The third or fourth stations would be subject to public hearings and possible additional development standards that were not applied to the first two gas stations. Establishing the appropriate SUP criteria, which would be applicable to the third and fourth gas stations and not applicable to the first two stations, may be difficult to determine.
- **Option 4 – Specific Use Permits Required for All New Sites.** The current ordinance could be amended to require all new gas stations obtain a Special Use Permit. Existing uses would become non-conforming. Criteria for approval could be uniformly applied to all sites.
- **Option 5 –** Allow the increased number of gas stations by right as noted in Option 2 but develop a set development standards specific to this use within the Tollway Overlay District. Staff is seeking Council feedback on issues that should be addressed if this option is preferred.

Should Council determine that the SUP process is appropriate for Options 3 or 4; it is recommended that staff bring back criteria for Council consideration.

Board Review/Citizen Input: The Planning & Zoning Commission held a public hearing on the Zoning Ordinance amendment at their March 9, 2010 meeting and voted 5-0 to approve the request as submitted.

Alternatives: The City Council can:

- Approve the request as originally submitted and direct staff to prepare an Ordinance;
- Deny the amendment;
- Approve the request with conditions and direct staff to prepare an Ordinance; or
- Table for further review.

Financial Considerations: Not applicable.

Legal Review: Not applicable at this time.

Supporting Documents:

- Planning & Zoning Commission Outcome Memo dated March 10, 2010.
- Staff report.
- Exhibits A & B.

Recommendation: The Planning & Zoning Commission recommended approval as indicated in their March 10, 2010 Outcome Memo. Based on the Council discussion on November 16th, staff has developed options as outlined in this memo for your consideration.